

- EXHIBIT A -

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
SAM MACKLIN,

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC
and CROSS BRONX PLAZA LLC,Defendants.
-----X

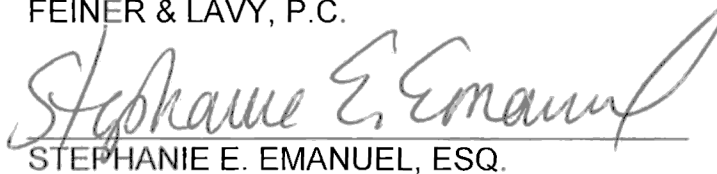
Index No. _____

Filed on: _____

SUMMONS**Plaintiff designates
BRONX County as the
Place of Trial**The basis of venue is Plaintiff's
Address:1705 Bryant Avenue
Bronx, NY 10460

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
December 22, 2020Yours, etc.
FEINER & LAVY, P.C.

STEPHANIE E. EMANUEL, ESQ.

Attorneys for Plaintiff

SAM MACKLIN

325 Broadway, Suite 401

New York, New York 10007

(212) 393-9130

Defendants' Addresses for Service**THE STOP & SHOP SUPERMARKET COMPANY LLC**

c/o CSC

80 State Street

Albany, New York 12207

CROSS BRONX PLAZA LLC

c/o AAC Management Corp.

433 Fifth Avenue Suite 200

New York, New York 10016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
SAM MACKLIN,

Index No. _____

VERIFIED COMPLAINT

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC
and CROSS BRONX PLAZA LLC,

Defendants.
-----X

Plaintiff SAM MACKLIN, by his attorneys, FEINER & LAVY, P.C., complaining of the Defendants, THE STOP & SHOP SUPERMARKET COMPANY LLC and CROSS BRONX PLAZA LLC, upon information and belief, respectfully alleges as follows:

THE PARTIES

1. At all times hereinafter alleged, Plaintiff SAM MACKLIN was and still is a natural person residing in Bronx County at 1705 Bryant Avenue Apt 4B, Bronx, New York 10460.

2. At all times hereinafter alleged, Defendant THE STOP & SHOP SUPERMARKET COMPANY LLC ("STOP & SHOP"), was and still is a Delaware Limited Liability Company duly authorized to conduct business in the State of New York with offices located at 1385 Hancock Street, Quincy, Massachusetts 02169.

3. At all times hereinafter alleged, Defendant CROSS BRONX PLAZA LLC "CROSS BRONX PLAZA") was and still is a duly organized domestic limited liability company with offices located c/o AAC Management Corp., 433 Fifth Avenue Suite 200 New York, New York 10016.

AS AND FOR A FIRST CAUSE OF ACTION

4. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA

owned the property and shopping center premises erected thereon located at 961 East 174th Street, Bronx, New York.

5. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA operated and maintained the premises known and located at 961 East 174th Street, Bronx, New York as a retail shopping center open to the general public.

6. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, operated the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

7. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, maintained the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

8. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, managed the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

9. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, controlled the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York

10. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, supervised the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York

11. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees inspected the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

12. That at all times hereinafter mentioned, Defendant CROSS BRONX PLAZA, its agents, servants and/or employees, repaired the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

13. Upon information and belief, and at all times hereinafter mentioned, Defendant STOP & SHOP, under lease agreement with Defendant CROSS BRONX PLAZA, was responsible for the management, maintenance and operation of the Stop & Shop Supermarket, Store #2593 located within the aforementioned retail shopping center located at 961 East 174th Street, Bronx, New York.

14. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, operated the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

15. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, maintained the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

16. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, managed the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

17. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees controlled the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

18. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, supervised the Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

19. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, inspected the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York 961 East 174th Street, Bronx, New York.

20. That at all times hereinafter mentioned, Defendant STOP & SHOP, its agents, servants and/or employees, repaired the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York.

21. That at all times hereinafter mentioned, Defendants CROSS BRONX PLAZA and STOP & SHOP, their respective agents, servants and/or employees had the duty and obligation to control, operate, manage, supervise, inspect and maintain the aforementioned Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York, including the entrance area located therein, in a reasonably safe condition and in good repair, and to properly and timely inspect, service, maintain and repair the premises and more particularly the entrance area therein so that they did not become a hazard, trap or nuisance to persons lawfully entering and within the subject Stop & Shop Supermarket, Store #2593.

22. That at all times hereinafter mentioned, Defendants CROSS BRONX PLAZA and STOP & SHOP, their respective agents, servants and/or employees had a duty to maintain and operate the Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York in a safe a condition

for its patrons, customers, invitees and other individuals lawfully present within the Premises.

23. That on or about January 24, 2018, and for a substantial time prior thereto, there existed a dangerous and defective condition in the entrance area of the Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York.

24. That on or about January 24, 2018, Plaintiff SAM MACKLIN was lawfully present within the Stop & Shop Supermarket, Store #2593 within the retail shopping center located at 961 East 174th Street, Bronx, New York with the knowledge, permission and consent of Defendants CROSS BRONX PLAZA and STOP & SHOP.

25. That on January 24, 2018, Plaintiff SAM MACKLIN was lawfully within the Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York, and specifically the entrance way into the subject store when, he was caused to slip, trip and/or fall violently to the floor by reason of a wet and slippery substance on the subject entrance way just within the supermarket thereby sustaining severe and permanent personal injuries.

26. That at the time and place aforesaid, Defendants CROSS BRONX PLAZA and STOP & SHOP, their respective agents, servants and/or employees breached their duty owed to Plaintiff SAM MACKLIN by negligently and carelessly failing to properly maintain said entrance way into the store; by allowing and/or permitting water and/or another slippery liquid substance to collect, pool and remain on the floor of the entrance way just inside the store for an unreasonable period of time despite actual and constructive notice of such condition; by failing to inspect said entrance way; by failing to remove the water and/or other liquid existing thereat; by failing to repair the condition of said entrance way; by failing to take the necessary steps to alleviate said conditions; by failing to erect barricades, or otherwise restrict use and access of the subject area

and/or steps to prevent a hazard, trap or nuisance from endangering patrons, customers, invitees and other individuals lawfully present and, more particularly, Plaintiff SAM MACKLIN; by failing to adequately warn the general public and more particularly, Plaintiff SAM MACKLIN of the subject hazard, trap and nuisance; in failing to implement an adequate repair/maintenance and/or inspection program; by failing to enforce any rules, regulations and safety guidelines that were existing; by failing to avoid the afore-stated accident which was foreseeable; and by otherwise being negligent, careless, reckless and grossly negligent in the supervision, management, and maintenance of the subject entrance way just inside the subject Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York.

27. That Defendants CROSS BRONX PLAZA and STOP & SHOP through their respective agents, servants and/or employees, had notice of the defective, dangerous, unsafe, and faulty condition of the entrance area just within the subject Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York existing on January 24, 2018.

28. Defendants CROSS BRONX PLAZA and STOP & SHOP had sufficient time and notice to correct said defective, dangerous, unsafe, and faulty condition of the stairs and stairwell within the aforementioned subject Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York existing on January 24, 2018.

29. Defendants CROSS BRONX PLAZA and STOP & SHOP had sufficient time and notice to correct said defective, dangerous, unsafe, and faulty condition of the subject entrance way within the Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York existing on January 24, 2018 but neglected to do so, resulting in Plaintiff SAM MACKLIN's serious and permanent injuries.

30. The above-mentioned occurrence and the injuries resulting there from, were caused solely and wholly by the were caused by the joint, several and concurrent negligence, carelessness, recklessness and wantonness of Defendants CROSS BRONX PLAZA and STOP & SHOP, their respective agents, servants and/or employees, in the ownership, operation, management, supervision, maintenance, repair and control of the Stop & Shop Supermarket, Store #2593 at 961 East 174th Street, Bronx, New York without any negligence or want of care on the part of Plaintiff SAM MACKLIN contributing thereto.

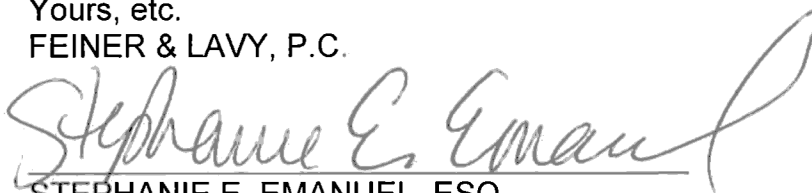
31. That this action falls within one or more of the exceptions of CPLR Section 1602.

32. That by reason of Defendants CROSS BRONX PLAZA and STOP & SHOP's negligence and carelessness, Plaintiff SAM MACKLIN sustained serious, grave and permanent personal injuries, pain, suffering, disability, and mental anxiety, and suffered and continues to suffer grievous economic loss, and was caused and will continue to be caused to incur expenses for medical care and attention, all to his damage in an amount which exceeds the jurisdictional limits of all lower courts which otherwise would have jurisdiction.

WHEREFORE, plaintiffs SAM MACKLIN demands judgment against Defendants THE STOP & SHOP SUPERMARKET COMPANY LLC and CROSS BRONX PLAZA LLC on the First Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action for compensatory damages and punitive damages, together with interest, attorneys' fees, costs and disbursements of this action.

Dated: New York, New York
December 22, 2020

Yours, etc.
FEINER & LAVY, P.C.

A handwritten signature in dark ink, reading "Stephanie E. Emanuel", is written over a horizontal line.

STEPHANIE E. EMANUEL, ESQ.

Attorneys for Plaintiff

SAM MACKLIN

325 Broadway, Suite 401

New York, New York 10007

(212) 393-9130

ATTORNEY'S VERIFICATION

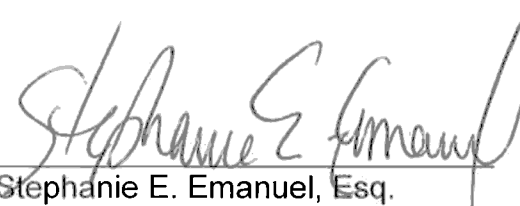
STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

STEPHANIE E. EMANUEL, being duly sworn, deposes and says:

That I am the attorney for the Plaintiff in the within action. That I have read the foregoing SUMMONS and VERIFIED COMPLAINT, know the contents thereof, the same is true to my own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The reason this Verification is made by deponent and not by the Plaintiff because the Plaintiff is not within the County in which deponent has her office, and the facts set forth herein are upon information and belief derived the records and papers in deponent's office.

December 22, 2020


Stephanie E. Emanuel, Esq.

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COUNTY OF BRONX

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THE STOP & SHOP SUPERMARKET COMPANY LLC
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SUMMONS AND VERIFIED COMPLAINT

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